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Forty-fourth session

SUMMARY RECORD OF THE 1138th MEETING

Held at Headquarters, New York,
on Friday, 3 April 1992, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of Colombia (continued) (CCPR/C/64/Add.3)

1. At the invitation of the Chairman, Mr. Cepeda and Mr. Melo (Colombia) took places at the Committee table.

2. The CHAIRMAN invited the representatives of Colombia to resume their replies to questions raised by members of the Committee on sections II and III of the list of issues.

3. Mr. MELO (Colombia) said that a question had been raised regarding the role of the mechanisms set up by the Colombian Government to protect human rights, referred to in paragraph 88 of the report. The Office of the Presidential Adviser for National Defence and Security formulated policies to reduce violence and control the number of homicides caused by guerrillas, drug trafficking and delinquency. It also developed policies to improve the training and qualifications of the police force and to ensure that it performed its functions in a lawful manner. The Office had prepared a national strategy to combat violence.

4. The Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights received complaints and reports of human rights violations and carried out follow-up work on investigations conducted by other institutions. It had a computerized list of documents containing 5,000 complaints of human rights violations. The Office also took part in courses given by the police and armed forces on human rights and international humanitarian law.

5. The Office of the Presidential Adviser for Young People, Women and the Family dealt with social programmes to reduce violence against young people, children and women.

6. The Office of the Presidential Adviser for Rehabilitiation, Normalization and Reconciliation formulated policies whose aim was to achieve a negotiated peace with guerrilla groups. It also followed cases of abduction, summary execution and other acts carried out by guerrillas.

7. The Office of the Attorney-General of the Nation conducted investigations and punished members of the police or armed forces who had been found guilty of homicide, mass murder, disappearances or torture. The Office was a civilian body independent of the executive branch of government. It had access to all military archives and premises, and it appointed a special agent to take part in trials of members of the army or police conducted by military penal courts in order to ensure that the judge acted in a prompt and impartial

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manner. In such trials, it had the right to request evidence from the judge and the power to take punitive action against members of the judicial police who did not obey the law or obstructed prompt and impartial investigations.

8. The Office of Public Defender (Defensor del Pueblo) was a new institution established by the Constitution. The Public Defender was appointed by the Congress for a period of four years and was irremovable. He instituted proceedings of habeas corpus and took action on behalf of individuals to protect their human rights. The Public Defender was also involved in so-called "popular actions" to defend collective interests, such as the environment. He received reports of human rights violations and initiated the respective criminal investigations, and ensured the defence of individuals who could not afford counsel.

9. Investigations against members of the police or armed forces accused of extrajudicial executions, homicide, torture or mass murder were carried out by examining magistrates from civilian or military courts. In all cases, the judges were civilians. However, some judges were attached to ordinary courts while others were assigned to military penal courts. If an ordinary court had convincing evidence that the case involved an alleged violation committed by a member of the armed forces in the course of a collective military operation, the case was transferred to the military penal court. Sentences handed down by the military penal court could be reviewed by the Higher Military Court. Military courts were subject to the Office of the Attorney-General of the Nation and the Supreme Court of Justice.

10. Under the new Constitution, military penal courts had been maintained to deal with acts committed by members of the armed forces in the line of duty. Such courts were required to be independent, public and impartial.

11. Between 1 January 1988 and 31 June 1989, out of 27 decisions in cases involving police officers accused of homicide, 13 officers had been sentenced and 14 had been acquitted. During the same period, there had been 17 decisions in cases involving army officers accused of torture; 6 officers had been sentenced and 11 acquitted. There had also been 79 cases involving non-commissioned officers accused of homicide, of whom 49 had received sentences. In 392 cases involving members of the armed forces of lesser rank, 298 had been sentenced. During the same time period, 44 non-commissioned officers and 234 constables of the police force had been accused of torture. Currently, at least 16 members of the police or armed forces were awaiting trial for extrajudicial executions, and at least 12 members of the police force were awaiting trial for alleged execution of common criminals.

12. Over the past 10 years or so, the various measures that had been taken to reduce and prevent mass murder, politically motivated murders and torture had yielded positive results. Between 1990 and 1991, reports of torture had declined by 80 per cent; reports of disappearances had decreased from 230 to 74 during the same period; reports of mass murders by paramilitary forces had

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also decreased. While fighting between paramilitary groups and guerrillas had decreased, there were still incidents of individual murders in remote areas of the country.

13. With respect to politically motivated murders, he noted that the elections to the National Constituent Assembly held in 1991 and the gubernatorial and mayoral elections held a month earlier, had not been accompanied by general acts of violence and intimidation against political groups linked to the guerrillas, as had been the case in previous years. The Communist Party, the Movimiento 19 de Abril (M-19) and the People's Liberation Army had participated openly in the elections and had won seats in many parts of the country. The group that had been most affected by violence in the past four or six months had been the former People's Liberation Army, at least 15 members of which had been assassinated in rural areas. According to reports from leaders of the movement and the results of several investigations, the assassinations had been committed by members of the current national guerrilla coordinating body, which was trying to sabotage or obstruct the peace process. In addition, a number of members of traditional parties linked to the Government, including several liberal and conservative candidates, had been assassinated by guerrillas on the eve of the elections.

14. With regard to the question regarding "internal displaced persons", he noted that, over the past 40 years, Colombia had been caught up in a process of rapid urbanization. There had been a large influx of peasants to the cities for economic and political reasons. In the 1970s, the annual rate of population growth of some cities had been as high as 6 per cent; that rate had currently fallen to 2.5 per cent. However, there had been a recent increase in the population of such cities as Villavicencio, Barranca Bermeja and Montería, as a result of an influx of peasants fleeing from violence and guerrilla warfare in rural areas.

15. Economic activities in rural areas had declined sharply; landowners were abducted by the guerrillas or forced to make routine payments to them. Livestock herds in areas of guerrilla activity had decreased by more than 10 per cent in the past years. The mining of rural roads by the guerrillas had led to the deaths of a number of peasants and to the mutilation of at least 10 persons. Attacks on transport vehicles and public facilities had led to many civilian deaths.

16. Although military operations were conducted in accordance with article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to which Colombia was a party, they had on rare occasions resulted in civilian deaths. In 1990, two civilian deaths had been attributed to military operations and seven people had allegedly been victims of extrajudicial executions by the army.

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17. The emigration of peasants from rural areas to the cities had given rise to a very serious social and economic situation, and it was not always easy to distinguish those who had emigrated for economic reasons from those who had fled rural areas for security reasons. The Government was endeavouring to provide basic services to neighbourhoods in which such populations were concentrated.

18. The Government had taken specific action, on an experimental basis, to provide assistance to groups that had fled to the cities for political reasons. Thus, at the beginning of 1989, the Government had submitted to the European Community a project proposal for the provision of comprehensive assistance to three cities with high concentrations of refugees from violence in rural areas. Since the proposed project had not yet been approved, the Government, through the Foundation for Assistance to the Family Members of Victims of Violence, had formulated a number of projects that provided emergency assistance to people who had recently moved to cities. Much of that assistance had been made available by non-governmental organizations (NGOs), which cooperated with the Government on a contractual basis or received subsidies from it. The Office of the Human Rights Adviser in Medellín had set up a project to provide housing to widows of persons assassinated for political reasons.

19. In order to expand those projects, the Government had recently established the Office of the Presidential Adviser for Social Policy, which was involved in the direct implementation of projects and programmes. The Office provided assistance to family members of victims of violence and gave support through temporary assistance programmes which included occupational training, the provision of credits and the financing of productive activities and projects. Currently, economic support had been provided for the training of 3,000 for new members of guerrilla groups.

20. Finally, the Government's National Rehabilitation Plan carried out social investment projects in rural areas affected by violence. The projects were discussed and approved at mass community meetings without the involvement of the political authorities or the central government. The mass community meetings had also been given legal power to discuss and make proposals on human rights violations in their localities. Such meetings were held in the presence of both military and civilian authorities who often received complaints and accusations from the entire community concerning alleged or real violations of human rights.

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Freedom of movement and expulsion of aliens, right to privacy, freedom of religion, expression, assembly and association, and right to participate in the conduct of public affairs (arts. 12, 13, 17, 18, 19, 20, 21, 22 and 25) (sect. IV of the list of issues)

21. The CHAIRMAN read out section IV of the list of issues concerning the third periodic report of Colombia, namely: (a) clarification of the circumstances under which restricted residence could be ordered and the situation under the new Constitution; (b) further information concerning the law and practice under the previous Constitution relating to permissible interference with the right to privacy, and any changes in that respect under the new Constitution; (c) Colombian laws and practices relating to the collection and use of personal data, and the protection of privacy in that regard; (d) information on the privileged treatment, if any, of the Roman Catholic Church as compared with other churches or religious groups; and (e) information on whether any popular referendum as envisaged in article 6 of Legislative Act No. 1 of 1986 had ever been organized and, if so, on what subjects.

22. Mr. CEPEDA (Colombia) said that the system of restricted residence that had operated under the previous Constitution had been abolished.

23. In the area of the right to privacy, the new Constitution represented considerable progress. The new Constitution not only guaranteed the right to privacy but also sought to adapt that concept to modern technological developments that frequently threatened privacy. Under the previous Constitution, the competent authorities could order the interception or recording of private communications, which had led to abuses. Under the new Constitution, only a judge could order wire-tapping or the opening of private correspondence. Moreover, various writs for the protection of human rights had been issued, including a number of writs concerning the right to privacy.

24. Article 15 of the new Constitution dealt specifically with the collection and use of personal data. It gave individuals the right to have access to computerized data and to request the removal of inaccurate data or information that violated the right to privacy. The right of an individual to such information applied to both public and private databases. Special writs had already been used in such cases. Moreover, the Office of the Attorney-General was planning to introduce a bill developing the so-called right of "habeas data", and the Government was cooperating with interested groups which supported that bill.

25. Turning to section IV (d), he said that one of the major changes brought about by the new Constitution was the granting of full religious freedom. All churches and sects were now equal before the law, and religious minorities enjoyed special protection. The concordat between the Government of Colombia and the Holy See granting the Roman Catholic Church a special status was being modified to bring it into line with the new Constitution. The Roman Catholic Church retained significant influence in matters concerning the family,

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however. Previously, Roman Catholic marriages were the only religious marriages considered to have civil effect, but under the new Constitution, all religious marriages were recognized civilly. Another sensitive matter was religious education in the public schools. Such classes were now optional, and the decision was left to parents belonging to religious minorities as to whether their children would receive instruction. A few incidents of discrimination in that area had been reported and were under review by the Constitutional Commission.

26. With regard to section IV (e), one of the major changes recently taking place had to do with popular participation. In Colombia there was no tradition of direct participation in decision-making. While the old Constitution had limited it only to municipal consultations, the new Constitution encouraged such participation at all levels. In practice, only a few public hearings had actually been held, mostly concerning public works and urban development projects at the municipal level. However, the process of drafting the new Constitution had stimulated popular interest in and enthusiasm for the decision-making process at all levels. Two direct national referendums had been held, the first to decide whether a Constitutional Assembly should be held, and the second to decide on the membership, powers and procedures of the Constitutional Assembly. The new Constitution provided for extensive direct participation.

27. Mr. FODOR said that his questions related to section IV (c) on the right to privacy. Though privacy was generally respected in urban centres, he wondered whether it was respected to the same degree in remote areas. He would like to know what legal restrictions existed, if any, on the conditions under which a competent official could grant an order for wire-tapping or interception of correspondence.

28. He would welcome further information on the implementation of article 176 of the Constitution regarding the special district.

29. Mr. ANDO said that his concerns related to the right to freedom of expression and freedom of association as provided for in articles 19 and 22 of the Covenant. He understood that the Government was attempting to comply with the Covenant, but that social and economic difficulties had still resulted in some politically motivated killings. While the law permitted a large degree of freedom of expression and association, he wondered whether there were de facto limits on those freedoms because of the activities of guerrilla groups and drug traffickers.

30. Mr. EL-SHAFEI said that, with reference to article 22 of the Covenant, deep concern had been expressed over the violent deaths and disappearances of many trade unionists. Additional information would be welcome on required regulation of trade associations, guarantees of the right of collective bargaining and measures available for redress of violations, government action on alleged violations of the right to collective bargaining, the Government's response to reported killings and disappearances of trade unionists, and steps taken to punish the responsible parties.

31. Mr. WENNERGREN said that paragraph 168 of the report explained that all radio and television channels were State property, and that the National Television Council had prohibited messages or programmes undermining respect for the legitimate authorities. That seemed to him a form of self-imposed censorship. It would be interesting to learn how required respect for authority was applied to opinions critical of the Government expressed in news or political broadcasts. There was a danger that that provision could be used to suppress opposing opinions. More details on how that provision was applied in practice would be welcome.

32. As mentioned in paragraph 167 of the report, the National Police Code stipulated that no film could be shown to the public without prior authorization by the Film Classification Committee. The requirements for authorization and the grounds on which public exhibition could be prohibited should be indicated.

33. Mrs. HIGGINS said that her concerns related to the state of emergency bill introduced in January 1992 and how it might affect certain aspects of freedom of movement, as guaranteed by article 12 of the Covenant. If that bill had passed into law, its relation to constitutional provisions should be clarified. She inquired whether the obligatory safe-conduct passes in some areas of the country were viewed as necessary restrictions on freedom of movement under article 12, paragraph 3, of the Covenant. If so, she wondered why it had been called a state of emergency bill. The position on freedom of movement for journalists and human rights monitors should also be explained.

34. Mr. DIMITRIJEVIĆ, referring to section IV (d) of the list of issues and article 18 of the Covenant, said that he would like to hear more about the powers of the State body responsible for registering marriages contracted in the Roman Catholic and other churches, since some of those marriages might not be considered morally acceptable according to majority views. With regard to freedom of choice in religious education, he would like to know if, in addition to the Roman Catholic religious instruction offered in the public schools, an alternative choice existed, such as a general course in world religions and ethics. He would also be interested to learn the nature of the case currently being decided by the Constitutional Court.

35. Mr. CEPEDA (Colombia), in answer to Mr. Dimitrijević, said that registration of marriages was a purely formal act of civil record-keeping and was not concerned with whether a marriage was in conformity with religious rules. Undoubtedly, reaction against members of minority religious communities attempting to exercise their freedom to contract a marriage according to their tradition was possible, but remedies were available under law for discrimination by the authorities, and a law to preserve respect for minority religious practices was being drafted which would provide legal recourse, as well.

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36. Regarding religious education, the public schools provided instruction in the majority religion, but alternate courses in ethics must also be made available. No student could be barred from admission to a public school on religious grounds. Courses in general ethics were taught by persons from traditions outside Roman Catholicism, and many public school teachers were members of an association promoting pluralism. A parent's wish to have his or her child excused from religious education entirely must also be respected, even if the parent was Roman Catholic. One case of religious discrimination against a public school student was now pending review in the Constitutional Court.

37. Mr. Wennergren had inquired about the mass media and censorship. In Colombia, there was extensive freedom of expression of all political opinions. Since the television networks were State-owned, an adjudication process established a fair distribution of programming time. All political parties, from the far right to the far left, had daily access to airtime, even if they criticized the Government. All candidates for election also had access during electoral campaigns. Though the networks belonged to the State, they were operated in such a way as to promise pluralism.

38. A proposal had been introduced to establish an independent national board representating all groups in society, similar to the United States Federal Communications Commission, to regulate television operations. That was viewed as a step towards total privatization of the media, which was being brought about in part by increasing modernization of communications technology. Radio networks also maintained free access for all political groups, and radio news and opinion programmes were among the most popular. The Constitution expressly prohibited censorship, and while there might appear to be a risk from a reading of the relevant provisions, there was no censorship in practice.

39. The only function of the Film Classification Committee was to issue ratings for suggested audiences. The only films expressly prohibited were those which incited to violence.

40. Replying to Mr. Fodor's questions concerning the right to privacy, he said that when it was necessary to collect judicial evidence in rural areas where there might not be a sufficient number of judges, arrangements were made to facilitate travel by judges to those areas. Furthermore, under the new system in which indictments were drawn up by the new office known as the Fiscalía, all searches must be authorized by the judicial office coordinating the investigation. The evidence collected must be clearly relevant to establishing the guilt of the person under investigation. While judges were required to observe certain legal requirements, they were fully independent when it came to deciding whether the procedures for collecting evidence had been observed.

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41. Concerning the right to participate in the conduct of public affairs, under the new Constitution, a special election district in respect of the Senate had been established for ethnic and political minorities and for Colombians residing abroad. As a result, one representative of each of the two largest indigenous organizations had been elected to the Senate during the recent elections. A similar arrangement had been proposed for elections to the House of Representatives, but had not yet been enacted into law. The measure also represented a major step forward for Colombians residing abroad, who had previously been able to vote only in presidential elections. While political minorities were not clearly defined by law, they had significant representation in Congress, even though the Liberal Party still held a majority of the seats.

42. In reply to Mrs. Higgins' question concerning states of emergency and the right to freedom of movement, he said that a draft law on the subject was pending before Congress and would probably be adopted before July 1992. As pointed out by Mrs. Higgins, article 12 of the Covenant permitted the adoption, even under normal circumstances, of measures restricting freedom of movement in the interests of public order, provided that such measures were not incompatible with democracy. However, because of the sensitive nature of that issue in Colombia, his Government believed that freedom of movement should be restricted only in emergency situations, which was why the draft law envisaged certain guarantees. More extreme restrictions, which would involve the issuance of internal passports or safe-conduct passes, could, according to the Constitution, be imposed only during wartime and not in situations of domestic disturbance.

43. Journalists enjoyed extensive freedom of movement; the Constitution required the State to facilitate their access to areas of conflict and to protect them against threats to their safety. Journalists were thus able to conduct interviews, which were frequently broadcast on Colombian television, with members of guerrilla organizations.

44. In reply to the questions raised by Mr. Ando and Mr. El-Shafei concerning the right to freedom of expression and association, he said that the Constitution recognized the legality and the independence of trade unions and eliminated barriers to their establishment. The right to request special protection (derecho de tutela) from the courts guaranteed that trade unions would be able to operate freely. For example, there had recently been a number of strikes in the banking industry, and management had been prohibited by court order from resorting to lock-outs or other retaliatory measures, despite the often aggressive behaviour of the strikers.

45. Mr. MELO (Colombia) said that, under the new Constitution, a general legislative prohibition on strikes in the public sector had been abrogated; strikes were now prohibited only in the security forces and in essential public services as defined by law, rather than by the executive branch.

46. Turning to the question of whether the security conditions in the country permitted the real exercise of freedom of expression, he said that in the past six or seven years, there had been serious attempts to intimidate the Colombian press, so as to prevent it from reporting on the activities of drug traffickers. Freedom of expression was not limited on political grounds; for example, the Communist Party newspaper had circulated without restriction. However, the newspaper El Espectador, which had campaigned vigorously against the drug cartels, had been the target of repeated attacks: in 1985, its chief editor had been assassinated, and in 1989, its head office had been destroyed by a dynamite explosion. Murder charges had been brought against one Pablo Escobar.

47. In 1991, Diana Turbay, the chief editor of a weekly magazine and the daughter of a former President of the Republic, had been kidnapped by armed groups tied to the drug cartels, and had been killed by one of her abductors during a rescue attempt. However, since the promulgation of the new Constitution and the arrests of several drug overlords with ties to right-wing terrorist groups, such incidents had all but ceased. Furthermore, drug-related violence had never affected the strong tradition of independence among the Colombian media.

48. The trade unions had also come under attack. Many of their leaders had been assassinated, especially during the period from 1986 to 1990. The murders had occurred mainly in areas characterized by a high level of social conflict, where striking workers, trade unionists and left-wing guerrilla groups had been pitted against large plantation owners, drug traffickers and right-wing paramilitary units.

49. Another sector which had been singled out for attack was the teaching profession; as State employees and unionists who played a political role in some communities, teachers sometimes came into conflict with local right-wing forces tied to the drug trade. In Medellín, in 1991 alone, 25 teachers had been killed. The Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights and the Ministry of Education had developed a programme under which, in the past two years, more than 200 teachers whose lives had been threatened had been transferred to new jobs in other areas; in all but two cases, the programme had protected them.

50. Trade-union leaders facing similar threats were sometimes provided with armed escorts or were authorized to carry weapons for self-defence, although that went counter to the general policy of disarming the civilian population. Taken as a whole, such measures had lessened the magnitude of the problem, although they had not completely eliminated it.

Non-discrimination, equality of the sexes and protection of family and children (arts. 2 (1), 3, 24 and 26 of the Covenant) (sect. V of the list of issues)

51. The CHAIRMAN read out section V of the list of issues concerning the third periodic report of Colombia, namely: (a) effectiveness of programmes and policies to achieve equality between men and women; (b) activities and accomplishments of the Office of the Presidential Advisor for Young People, Women and the Family; (c) impact of the Minors' Code on enjoyment by children of their rights under article 24; (d) problem of minors in anomalous situations and measures to address their needs; (e) information on the law and practice relating to the employment of minors.

52. Mr. CEPEDA (Colombia) said that the programmes and policies designed to enhance the role of women had been very successful and, as in other third world countries, the position of women had been transformed in a relatively short period. The principle of equality between the sexes had been enshrined in the new Constitution. Equal access to education had now been achieved in elementary and secondary schools, as well as in universities. Although the average income of women workers was 37 per cent lower than that of men, that was not due to unequal rates of pay for the same work, but rather to the fact that women's employment was concentrated in certain sectors, such as domestic service, where low pay was prevalent and few qualifications were required. Women were increasingly represented in senior posts in both the public and private sector and in political life. In recent local elections, 54 women mayors had been elected. The number of women in the total workforce had risen from 27 per cent in 1973 to 46 per cent at present. Although substantial progress had been achieved and discrimination outlawed in nearly all sectors, much remained to be done, particularly with regard to equal pay, better childcare arrangements and improved training for women.

53. Another factor which had helped enhance both the status and health of women had been the success of the Government's family planning programmes, which had been introduced despite of the country's strong Catholic traditions and in the face of opposition from the Church. Between 1970 and 1990 the annual birthrate had been reduced from 3.4 per cent to 1.9 per cent, thereby easing the problem of large families which had previously been an obstacle to women's access to education and the labour market.

54. The Office of the Presidential Adviser for Young People, Women and the Family had been established in 1991 and was now receiving substantial government funding. Its main role was to organize group activities for young people, including anti-drug education, as well as cultural and recreational programmes. It had been instrumental in setting up family commisarías in various cities, which provided family counselling and dealt with complaints of domestic violence and other matters. Together with the Colombian Family Welfare Institute, it had helped to set up children's homes staffed by volunteers which catered to more than 1 million children in need.

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55. Supplementary feeding programmes had been launched and free food was being provided in schools for some 300,000 children. Substantial resources were now being devoted to child protection programmes and the percentage of the gross domestic product devoted to education was now on a par with many Western countries. A national plan for sex education had recently been launched to increase awareness of the AIDS epidemic and laws had recently been adopted to prohibit the segregation of persons suffering from AIDS or infected with the HIV virus.

56. The Constitution also provided for special protection measures for children and all health institutions receiving State assistance, whether public or private, were required to provide free treatment for children under one year of age.

57. Although the Minors' Code had been drawn up in 1990, when the United Nations Convention on the Rights of the Child was not yet in force in Colombia, it had attempted to embody the provisions of the Convention, which the Government had expressed the intention of ratifying. The Code contained a set of wide-ranging and practical requirements for the protection of children. One of the main aims was to ensure that all minors who had committed offences but were too young to face charges were housed in re-education institutions, separate from adults, rather than in prisons. The Colombian Family Welfare Institute and the Ministry of Justice were making funds available for the establishment of such institutions, where young offenders would be kept for a maximum of three years.

58. In Colombia, as in other third-world countries, child labour was a serious problem and at present there were some 800,000 children in employment. The employment of minors was legal, under restricted conditions, for children between the ages of 12 and 14, although many activities were prohibited and a permit was required from the Ministry of Employment guaranteeing that the child would attend school, which was compulsory up to the age of 14. The Code sought to introduce stricter provisions and adapt State institutions so as to ensure effective monitoring of the child labour situation.

59. With regard to child prostitution, efforts were being made to persuade victims to seek refuge in residential institutions providing rehabilitation facilities and alternative activities.

Rights of persons belonging to minorities (art. 27 of the Covenant) (sect. VI of the list of issues)

60. The CHAIRMAN read out section VI of the list of issues concerning the third periodic report of Colombia, namely: (a) factors or difficulties hampering the implementation and enjoyment of the rights under article 27 of the Covenant; (b) measures taken by the Indigenous Affairs Division, the National Committee for Aboriginal Languages or any other governmental bodies

(The Chairman)

to assist in maintaining native cultural traditions or languages in various regions of the country, and the results of such measures; (c) measures envisaged for the protection of minorities, such as the establishment of a Presidential Adviser on Minority Affairs; (d) measures envisaged by the special commission on Amazon Indian affairs to overcome the ecological deterioration of the area in the Amazon region affecting the social and cultural organization of the indigenous communities there; (e) whether minority groups had been represented in the Constituent Assembly.

61. Mr. CEPEDA (Colombia), referring to section VI (b), said that article 7 of the Constitution guaranteed the ethnic and cultural diversity of the nation, while article 70 stressed that all cultures had equal status and dignity before the law. In the linguistic sphere, languages other than Spanish were considered to be official in the areas where they were spoken. Everyone had the right to use his or her native tongue in any part of the national territory. Bilingual education had been established to ensure the integration of those who were monolingual into the country's economic and political life.

62. With regard to San Andrés, a Caribbean island whose inhabitants spoke a language derived from English, measures had been adopted under article 310 of the Constitution to protect the community's cultural identity by restricting residence on the island and the sale of its property to outsiders.

63. The Constitution recognized the inalienable right of indigenous peoples to certain lands, which had been accorded the status of self-governing territorial entities. The State was required to invest a certain amount in those entities with a view to improving the living conditions of their people, who had full control over the funds. Any natural resources in the entities could be developed only with the consent and participation of the community, and if the entity contained a nationally protected area, it was under collective ownership.

64. Special provisions existed to protect the country's archaeological heritage. The State was obliged to re-acquire parts of that heritage which had fallen into the hands of private individuals. It was also required to respect the rights of ethnic groups in areas where important archaeological sites were located.

65. Encouragement was given to forms of education which sought to respect and develop the cultural identity of ethnic groups, and efforts were being made to safeguard the electoral rights of minorities and improve their representation in Congress, notably through the work of the National Electoral Council.

66. Minorities were also entitled to establish special jurisdictions within their territories, where the laws of the indigenous community could be applied, provided that they did not conflict with the provisions of the Constitution. Bodies had also been set up to protect the territorial rights

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of minorities and to monitor and analyse draft laws and decisions which might affect indigenous communities, with a view to securing the broadest possible participation in decision-making by all those concerned.

67. The Constitution included specific provisions on the right to a healthy environment and enshrined the basic principle that there should be public participation and consultation with regard to decisions likely to have an impact on the environment. Provision was made for the protection of bio-diversity and of flora and fauna in the Amazon and other regions, while freedom of movement could be restricted in zones of particular environmental importance. Where responsibility for such zones was shared with neighbouring countries, the State was required to cooperate fully with those countries. The Constitution also prohibited the export of genetic resources, including certain endangered animal species. The importation and use of certain dangerous substances such as nuclear materials was also prohibited.

68. Mr. CEPEDA (Colombia) said that the importing of toxic wastes into Colombian territory was now prohibited. He also stressed the benefits to the environment of the series of measures adopted recently in favour of indigenous communities in the Colombian Amazon. During the preceding five years, the State had recognized the collective ownership by indigenous communities of approximately 15 million hectares of land in the Amazonian region, which represented more than 50 per cent of Colombia's tropical rainforest. Ownership of those lands was recognized as inalienable under the Constitution. That measure had succeeded in curbing the influx of businesses and individuals seeking to acquire property in the region for development. Furthermore, the prior approval of the indigenous communities was now required for any activities involving the economic exploitation of the rainforest, a measure which had helped to restrict economic activity in the zone, thereby reducing the attendant damage to indigenous communities and to the environment in general.

69. Mrs. HIGGINS asked about the tensions existing between the indigenous population and the black community. The indigenous peoples could preserve their lands from commercial development through proof of ancestral rights. Members of the black community were concerned that, in the absence of any ancestral claim, they would be driven from their lands.

The meeting rose at 1 p.m.